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ABSTRACT

This document is intended to present guidelines to help districts and colleges successfully implement state laws and regulations that call for effective participation by the larger college body. The document was prepared for use by trustees, CEOs, academic senate leaders, administrators, classified staff and students so that they can participate more effectively in decision-making processes. The document is divided into 8 parts: (1) local board policy on collegial consultation; (2) academic and professional matters; (3) mutual agreement and rely primarily; (4) implementing the collegial consultation process; (5) roles of the academic senate and exclusive bargaining agent; (6) students and staff; (7) keeping participatory governance strong; and (8) compliance. Each part is dedicated to a specific issue area and is organized in the form of questions and answers. The 8 parts cover a diverse range of issues, including academic and professional matters, procedural information on adopting and implementing recommendations, academic senate roles regarding exclusive bargaining, students and staff, and compliance. (AF)

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Participating Effectively in District and College Governance

The Academic Senate for California Community Colleges and The Community College League of California

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INTRODUCTION

The following guidelines on local decision-making processes have been developed by a joint task force of representatives of the California Community College Trustees (CCCT), Chief Executive Officers of the California Community Colleges (CEOCCC) and the Academic Senate of the California Community Colleges. They have been endorsed by the boards of directors of the CCCT and CEOCCC and by resolution of the Academic Senate for California Community Colleges. The guidelines augment ones developed in 1992 by a similar joint task force.

The guidelines are grouped by issue area and are in the form of questions and answers. The questions and answers are not intended to cover all situations which may be encountered, but address questions most frequently raised. In the answers developed, use of the word "should" refers to a good practice, but one that is not required. The word "must" indicates the action outlined is required by law or state regulation.

The purpose of the guidelines is to provide assistance to trustees, CEOs, academic senate leaders, administrators, classified staff and students which will enable them to fulfill the intent of effective participation in local decision making as delineated in state law and Board of Governors regulations.

PART I. THE LOCAL BOARD POLICY ON COLLEGIAL CONSULTATION

1. QUESTION: What is meant by the term "shared governance?"

"Shared governance" is not a term that appears in law or regulation. Education Code §70902(b)(7) calls on the Board of Governors to enact regulations to "ensure faculty, staff, and students...the right to participate effectively in district and college governance" and, further, to ensure "the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards."

The intent of the Legislature in enacting this section of AB 1725 was "to authorize more responsibility for faculty members in duties that are incidental to their primary professional duties" and to assure that "increased faculty involvement in institutional governance and decision making" does not conflict with faculty rights in collective bargaining (Section 4n). This shared involvement in the decision making process does not necessarily imply total agreement nor does it abrogate the ultimate decision making responsibility of the local governing board.

Title 5 §§51023.7 and 52023.5 state requirements for the "effective participation" of students and staff, respectively, in the development of recommendations to the governing board. Title 5 §53203 requires the governing board to "consult collegially" with the academic senate on academic and professional matters (defined in §53200).

Consequently, the more precise terms call for the governing board to assure **effective participation** of students and staff and to **consult collegially** with academic senates. Later questions will give guidance on these two processes. The term "shared governance" can take on many meanings and it is suggested that its use be curtailed in favor of the more precise terms.

2. QUESTION: What needs to be done by local boards and academic senates to implement the regulations to ensure the right of academic senates to assume primary responsibility for making recommendations in the areas of academic and professional matters?

The senate and the local board or its designee (usually the chancellor, superintendent/president, or president and senior administration) need to "consult collegially" on the development or modification of the district policy for board action to implement the regulations. This policy can be very general (i.e., a statement that the district will operate according to the provisions of Title 5 §§53200-53204) or more specific in terms of how the district carries out the regulations. Different boards and districts may include different amounts of procedural detail in district policy. (However, see recommendations in Questions 4 and 5 on selecting rely primarily/mutual agreement options.)

3. QUESTION: In adopting or modifying policy on academic and professional matters, does the governing board have to meet directly with the senate?

No. The governing board and the senate may each designate appropriate representatives as their voices in the mutual development or modification of policy on academic and professional matters. It is the responsibility of the designees to communicate with their respective constituencies on an ongoing basis so as to best represent them.

4. QUESTION: The regulations list eleven areas defined as academic and professional matters. The local board must adopt procedures identifying how it will consult collegially in these eleven areas. Those procedures include either to "rely primarily upon the advice and judgment of the academic senate" or to "reach mutual agreement." Must a local board select only one procedure for addressing all of the identified academic and professional matters or can there be a different approach used for the different matters?

Either one of the procedures can be used to address each of the eleven areas defined as academic and professional matters; the procedure need not be the same for all eleven. It is recommended, although not required, that the specific procedure selected be identified in policy for each of the academic and professional matters.

5. QUESTION: Who decides which of the two processes in the regulations ("rely primarily" or "mutual agreement") should be used on a given issue related to academic and professional matters?

The local governing board. However, it is recommended that the eleven categories of academic and professional matters listed in the regulations be the subject of local discussions so that all concerned will know in advance which issues will be dealt with according to which process. These may then be included in adopted policy.

6. QUESTION: Why is it recommended that the governing board policy specify either the rely primarily or mutual agreement mode of collegial consultation for each of the eleven academic and professional matters?

In preparing recommendations to the governing board, it is necessary that all parties know in advance their responsibilities for determining recommendations. It is important for the governing board to communicate its expectations for the process of developing recommendations. Prior agreement on process has the advantage of allowing the board to focus on the content of recommendations rather than on procedural details.

PART II. ACADEMIC AND PROFESSIONAL MATTERS

7. QUESTION: The regulations list eleven areas defined as "academic and professional matters." What is the scope of each of the academic and professional matters?

The intent of the list of academic and professional matters is to state more specifically the breadth of the legal requirement for the academic senate to assume primary responsibility for making recommendations on "curriculum and academic standards" [Education Code §70901(b)(7)]. These guidelines do not attempt to further define the list of academic and professional matters. Often it is the context of the issue which determines if it is an academic and professional matter. To assist in this determination, the companion document "Scenarios Illustrating Effective Participation in District and College Governance" gives examples of particular issues and good practice for their resolution through collegial consultation. Furthermore, the eleventh item allows the academic senate and the governing board to mutually agree on adding other issues as being subject to collegial consultation. Academic senates, along with governing boards and their designees, are encouraged to establish processes through which the status of any issue as an academic and professional matter is determined.

8. QUESTION: Is it helpful to have a process by which issues are determined to be an academic and professional matter?

Yes. Because academic and professional matters are broad in scope, it is important that colleges and districts have an agreed-upon mechanism for clarifying when an item is an academic and professional matter and thus requiring collegial consultation. Good practice for developing this mechanism involves agreement between the academic senate or its representative(s) and the board or its designee.

9. QUESTION: One of the eleven areas of academic and professional matters is district and college governance structures, as related to faculty roles. Must the district consult collegially on the administrative organization chart of the district and/or college?

No. How the administration is organized may be a matter for wide participation by the affected parties but is outside the scope of the district's responsibility to consult collegially with the senate. However, organizational changes which affect academic and professional matters such as curriculum or faculty role in governance would require consultation with the academic senate.

10. QUESTION: Another one of the eleven areas of academic and professional matters is "processes for institutional planning and budget development." Does this regulation relate to the institutional plans and budgets themselves, or only to the process by which plans and budgets are developed for presentation to the board?

The regulation relates only to the process. The academic senate is to be consulted collegially in shaping the processes used for developing the plans and budgets to be acted upon by the governing board. The board is not required to either "rely primarily" on the senate's recommendations or reach mutual agreement with the senate on the plans and budgets themselves.

PART III. MUTUAL AGREEMENT AND RELY PRIMARILY

11. QUESTION: If the governing board chooses the option to "rely primarily" on the advice of the academic senate in any of the eleven areas of academic and professional matters, is the board required to accept the recommendation of the senate?

No. Title 5 regulations clearly state that in most cases under the "rely primarily" option the recommendation of the academic senate will be adopted. However, there are conditions under which the local board may need to make a decision different from the senate's recommendation. (The circumstances covering such a decision are addressed in the next Question.)

12. QUESTION: A district governing board which chooses the "rely primarily" procedure is normally supposed to accept recommendations of the senate in any of the eleven areas of academic and professional matters unless there are "exceptional circumstances" and "compelling reasons." What do these mean?

The regulations do not define the terms "exceptional circumstances" and "compelling reasons," and these terms are not intended to have a legal definition outside the context of this law. (However, these regulations do have the force of law. See Question 35.) These terms mean that boards must usually accept senate recommendations, and that in instances where a recommendation is not accepted the reasons for the board's decision must be in writing and based on a clear and substantive rationale which puts the explanation for the decision in an accurate, appropriate, and relevant context.

Boards tempted to reject a recommendation might, instead, ask the senate to reconsider the recommendation in light of the issues that have not been resolved to the board's satisfaction or in cases in which the clarity, accuracy or completeness of the recommendation needs improvement.

13. QUESTION: A district governing board which chooses the "mutual agreement" procedure is supposed to reach written agreement with the senate in any of the eleven areas of academic and professional matters. When may the board act if it is not able to reach mutual agreement with the academic senate?

If there is no existing policy, the regulations say the board may act without reaching mutual agreement if there are "compelling legal, fiscal or organizational reasons" why it must do so. Again, the word "compelling" is not defined in the regulations and is not intended to have a legal definition outside the context of this law. (Again, the regulations have the force of law. See Question 35.) It means that in instances where mutual agreement with the senate is not reached, a board decision must be based on a clear and substantive rational that puts the explanation for the decision in an accurate, appropriate and relevant context.

14. QUESTION: When there is an existing policy, is the board permitted to act without mutual agreement?

Generally, no. If there is an existing policy, that policy simply stays in effect until mutual

agreement is reached. However, there may be cases when the existing policy "exposes the district to legal liability or causes substantial fiscal hardship." In these circumstances, a board may act without reaching mutual agreement provided that it has made a good faith effort to reach agreement and has "compelling legal, fiscal or organizational reasons" to act (as the term "compelling" is described in the previous question) without waiting any longer for agreement.

15. QUESTION: The "mutual agreement" procedure appears to contain de facto ability to block changes in policy when an existing policy is in place by failing to agree to needed action. What would happen if this occurs?

It would be bad faith to use the regulations in order to block changes in policy when an existing policy is in place by failing to agree to needed action. If a board refuses or fails to participate or consult constructively in the attempt to reach mutual agreement, a senate may choose to initiate the technical assistance process delineated in the Academic Senate/CCLC document "Assistance to Assure Effective Participation in District and College Governance." (See Appendix A.) On the other hand, if the senate attempts to use the regulations process to block board action by refusing or failing to participate or consult constructively, the board and chief executive officer may seek help through the technical assistance process as well.

PART IV. IMPLEMENTING THE COLLEGIAL CONSULTATION PROCESS

16. QUESTION: Once board policies on collegial consultation and effective participation have been approved, how can the implementing procedures, structures and committees be developed to ensure the process follows the intent of policy?

Adoption of the governing board policy on collegial consultation is only the first step in complying with the regulations. Procedures, structures, and committees must be reviewed and revised to implement the policy.

The academic senate and the governing board designee should examine existing structures that deal with academic and professional matters. Those committees which are already charged with academic and professional matters, such as curriculum and staff development, should be reviewed to assure that their structures and charges are appropriate. (See Question 17 on committee structure.) Where committees may not exist to deal specifically with an academic and professional matter, a new committee may be needed or, perhaps, the charge of a related committee can be modified. For example, the matriculation advisory committee might be charged with developing proposals for student preparation and success.

Throughout this document, the work products of committees pertaining to academic and professional policies and procedures will be referred to as "proposals." These proposals are available for review by college groups as part of the process to assure effective participation of those affected by such proposals. As part of their reporting processes, committees forward these proposals to the academic senate for consideration and refinement. After approval by the senate, the "proposal" becomes a "recommendation" of the academic senate. Beyond their charge to develop such proposals, committees also may be involved in implementation of existing policies and procedures. (See Question 19 for a distinction among policy, procedure, and implementation.) For example, curriculum committees implement curriculum policies by reviewing proposals for new and revised courses.

In all procedures, structures, and committees, students and staff should be assured of effective participation in matters which affect them. (See Questions 31 and 32 for more on effective participation of staff and students.)

17. QUESTION: What essential elements need to be defined in order to ensure that the committee structure, used in collegial consultation and to provide effective participation, is functional?

It is recommended that the charge to a college committee be clearly defined. This permits matters within the scope of the charge to be handled by the committee without overlapping responsibilities with other groups. A clear charge also lessens the tendency to create a new committee for every new issue. (For use of a college council to do issue management for committee referrals, see the next question.)

Committees should have definite membership. Members should be chosen for their expertise and area of responsibility, not just to represent a constituent group. For each place on the committee the following should be specified: appointing body, term length, and voting status (if votes are to be taken).

The expected reports or other work products should be delineated, including to whom the reports are submitted. Committee proposals for policies and procedures on all academic and professional matters should be submitted to the academic senate as well as being available for review by other affected groups. (See the previous question regarding how a committee proposal becomes an academic senate recommendation.)

Operation of the college committee structure takes a commitment of the time and effort of the participants as well as a commitment of resources by the institution. All parties should weigh carefully the developmental needs of the college. To the extent possible, there should be consideration of and accommodation for the time required for student, faculty and staff participation which may be above and beyond their regular duties. Examples of accommodation include convenient times and locations of meetings, reassigned time, and granting of flexibility in work schedules. Consideration is also needed for technical and clerical support for committees with special needs. Operational requirements should not be ignored: written minutes should be kept of all committee meetings. Meeting times should be arranged so that all members are available. Agendas should be distributed with adequate time (and all needed reference materials)

for members to prepare for meetings. Orientation and training of members should be provided regularly.

18. QUESTION: Some institutions have college or district coordinating councils consisting of representatives of the academic senate, unions, classified staff, administrative staff and students. What is the role of such a council within the dictates of the law and regulations?

Neither the law nor regulations call for any specific committees or structures, nor is a coordinating council prohibited. Many colleges have found coordinating councils useful, but some cautions are warranted.

A forum for communication on common issues and for reporting group activities are important functions coordinating councils can play. Often a particular matter may have implications for other groups that are not evident without discussion.

Issue management can be another useful activity for such councils. Broaching topics when they initially arise can give all parties the opportunity to participate in devising a common strategy for addressing that topic. It can be within this forum that the academic senate may identify issues which are academic and professional in nature. These discussions can assure that topics are properly referred to the committee charged with handling that matter. Coordinating councils also provide a venue to resolve conflicts that may arise as issues work their way through the governance process.

However, a coordinating council is not the appropriate body to make recommendations to the governing board or designee on academic and professional matters. These issues are appropriately within the purview of the academic senate. Furthermore, care should be taken in placing decision-making authority in the hands of coordinating councils. The strength of participatory governance lies in recommendations being made by those who have the necessary expertise and are most affected by the decision.

19. QUESTION: The law and regulations use the terms "district and college governance," "policies," "policy development and implementation" and "policies and procedures." What are the distinctions among policy, procedures and implementation?

Distinctions among policy, procedures, and implementation are not exact, and specific delineations should be made locally on a case-by-case basis. That said, some generalizations may be useful.

Policies give the college general direction to accomplish its mission. They create the context for action as well as foster a positive climate in which change can occur. Policies delineate the conditions which procedures must meet and state the expectations for what is to be accomplished. They are of a sufficient scope and significance that they are adopted by public action of the governing board. Procedures define the steps to be taken to carry out a policy. They specify those responsible for carrying out each step and may include a timeline by which tasks are to be completed. Implementation means carrying out the steps called for in the procedure.

20. QUESTION: For those matters which the governing board delegates to the chief executive officer, does collegial consultation still apply? Is the governing board still responsible to assure the effective participation of affected groups?

Yes to both questions. Education Code §70902(d) gives the governing board authority to delegate certain responsibilities to groups or individuals employed within the district. Those to whom those responsibilities are delegated must themselves consult collegially with the academic senate on academic and professional matters. Before agreeing to delegation, boards should carefully consider whether decisions are of a nature that they should be made in the public forum of the board meeting. Note that the Brown Act, Government Code §54950-54962, specifically requires open meetings of groups to whom boards have delegated authority, such as the academic senate.

Even on matters delegated to others, the governing board still maintains the responsibility to assure effective participation of students, faculty, and staff. The academic senate still retains its right to place issues on the board agenda and to present its views to the board (Title 5 §53203), with the understanding that reasonable, accepted procedures will be followed.

21. QUESTION: What features characterize an effective collegial consultation process?

Collegial consultation requires mutual understanding among the faculty, administration, and the governing board. Such understanding requires an awareness of interdependence, a commitment to communication, and the exchange of ideas as well as a commitment to joint action in the interests of solving educational problems or setting educational policy.

There is no one best method for implementing collegial consultation. Each college tends to develop a culture of its own within which collegial consultation takes place. Nevertheless, a few features seem to be common among those colleges with effective processes.

One such feature is a clearly defined governance structure that includes an organizational chart, charges of the councils or committees, and defined memberships and processes. A regular program should be established for old and new members of the governing board, administration, and faculty to acquaint them with the principles and practices of the collegial consultation structure. When everyone understands how the process works, and the structure is used consistently, it allows for success.

Communication is also a hallmark of a good collegial consultation process. Venues are created for key leaders to discuss matters in formal settings such as a coordinating council. (See Question 18 on the role of councils.) Informal meetings can be held between key leaders between formal meetings to further understanding, but official conclusions should be a part of the formal process. All participants must make a conscientious effort to keep one another informed.

The need for trust will often be raised in the context of shared decision-making. Trust is fostered when well established principles and practices of collegiality are adhered to by all. In addition,

trust can be built by creating opportunities for individuals to establish professional relationships in a variety of venues.

Collegial consultation works best in well-run districts where expertise and delegation of authority is respected, and where representatives are open and honest and are committed to working together for the benefit of the students.

22. QUESTION: Can a CEO make faculty appointments to committees, task forces, or other groups dealing with academic and professional matters?

No. Title 5 §53203(f) requires that appointments of faculty to groups dealing with academic and professional matters be made by the academic senate after consultation with the CEO or designee. Furthermore, consultation is required in establishing committees if the purpose of the committee is to develop policy or procedures related to an academic and professional matter or as part of the basic governance structures set forth in the board's policy on collegial consultation. (See Chancellor's Office Legal Opinion M 97-20, October 23, 1997.)

23. QUESTION: What do the law and regulations say about participation in collegial consultation of college and district senates in multi-campus districts?

Delegation of authority and responsibility by a governing board under Title 5 §53203(a) can be to its college senate, district senate, or both. In districts with a district senate established pursuant to Title 5 §53202, governing boards may establish policies delineating collegial consultation with college senates only, district senates only, or to both.

When collegial consultation involves both college and district senates, distinction should be made between recommendations that involve college matters only and those which have district scope. This is a local matter to be worked out among the senates and the board or its designee(s). It is recommended that on district matters the board specify the chancellor as its designee and on college matters the designee be the college president.

24. QUESTION: How can the timelines of collegial consultation be respected while addressing opportunities and requirements to which a college must respond quickly?

Development of effective policies and procedures takes time. Issues requiring the development or revision of policies and procedures should be identified as early as possible and the consultation process initiated right away. Development of proposals in isolation which are then

brought into consultation is not a productive methodology. Prolonged debate without constructive recommendations needlessly extends resolution of the issue. All parties should agree to reasonable timelines at the beginning of the consultation process.

Particularly stressful is the need to make a decision in a short timeframe imposed by external considerations. Districts which seem to handle these situations best are those which have a comprehensive planning process. If the institution has foresight and agreed upon goals and objectives, it is likely that new challenges can be more quickly integrated into the district's plans. An atmosphere of trust in the leadership is critical as well, considering that recommendations on items with short deadlines often necessitate the academic senate president and college president collaborating without opportunity to obtain full input from the various constituents. Even in such circumstances it is expected that the actions of both presidents will not be inconsistent with the established positions of their respective groups.

PART V. ROLES OF THE ACADEMIC SENATE AND EXCLUSIVE BARGAINING AGENT

25. QUESTION: Can the local board choose the academic senate to be the organization that represents faculty in matters that have previously been collectively bargained or are within the legal scope of bargaining? Can the local board accept recommendations from the academic senate or reach agreements with the academic senate which contradict a collective bargaining agreement?

The answer to both questions is no. The governing board may not legally delegate to the senate any responsibilities or functions which belong to the exclusive representative. AB 1725 did not change collective bargaining law (i.e., the Educational Employment Relations Act, Government Code §3540 et sec.) nor the legal scope of bargaining. The regulations specifically point out that nothing in the Board of Governors' regulations may be construed to "detract from any negotiated agreements between collective bargaining and district governing boards."

26. QUESTION: Can a board and union through a collective bargaining agreement change a policy previously adopted by a board based upon recommendation of the academic senate or mutually agreed to with the academic senate?

Yes. Matters appropriately within the scope of collective bargaining may be negotiated between collective bargaining representatives and district governing boards regardless of previous policies. Citing the Educational Employment Relations Act (EERA) in Government Code §3543.2(a), "The scope of representation shall be limited to matters relating to wages, hours of employment, and other terms and conditions of employment." These terms and conditions are then enumerated in the Act. Furthermore, exclusive bargaining agents have the right to "consult on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks...." However, the EERA does not supercede Education Code provisions and, as stated in Government Code §3540, "shall not restrict, limit, or prohibit the full exercise of the functions of any academic senate or faculty council established by a school district in a community college to represent the faculty in making recommendations to the

administration and governing board of the school district with respect to district policies on academic and professional matters, so long as the exercise of the functions does not conflict with lawful collective agreements."

27. QUESTION: May the collective bargaining agent delegate matters within the scope of bargaining to the local senate and may the senate delegate matters within the scope of the eleven defined areas of academic and professional matters to the collective bargaining agent?

Yes, to the extent permitted by collective bargaining laws. The regulations state that the intent is to "respect agreements between academic senates and collective bargaining representatives...."

PART VI. STUDENTS AND STAFF

28. QUESTION: Does the phrase "rely primarily upon the advice and judgment of the academic senate" mean that the governing board should not receive and consider the advice and judgment of others on issues of academic and professional matters?

No. Indeed, there are other regulations and laws which address the participation of the public, students, staff and unions in district governance.

Title 5 §51023.7 requires the governing board to "adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance." Students are to participate in "formulation and development" of policies and procedures that have a "significant effect" on them. The regulation lists ten areas of such significant effect, most of which are quite similar to the senate's academic and professional matters. Boards are not to act unless students have had the opportunity to participate, with the exception of "unforeseeable, emergency situations" and shall give positions of the students "reasonable consideration." The regulation states the intent that boards are to respect the agreements with senates and unions while working with students.

Title 5 §51023.5 requires the governing board to "adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance." However, areas that affect staff are not defined in the regulation but remain matters "that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff."

The role of the exclusive bargaining agents is explicitly protected in Title 5 and is cited in the Educational Employment Relations Act. (See Government Code §3543.2.) The public is granted access to the governing board through the open meeting provisions of the Brown Act. (See Government Code §54950-54962.)

29. QUESTION: What are good practices to assure effective participation of students and staff in the process of formulating recommendations which affect them?

Student participation can be strengthened in several ways. Student leaders can work with the college leadership to identify committees whose charges incorporate the ten areas of significant effect on students. Student membership can be specified on those committees. The names of those who will participate on committees can be identified early in the year. It is important that committees meet at regularly scheduled times convenient to students interested in being members. Student members can benefit from orientation and training and from having an assigned mentor to assist in getting to know the work of the committee. An effective strategy to strengthen leadership skills is to have a student government course as part of the curriculum. Communication between the student government, the academic senate, and other groups can be improved by having liaisons attend one another's board meetings.

Administrative staff have a role beyond that of the chief executive officer functioning as the board's designee. It is advised that committees dealing with specific topics have the participation of mid-level administrators in whose areas of responsibility those topics fall. That participation may be as a resource, as a member, or as chair, depending on the local college decision-making process.

Classified staff should participate in the formation and development of policies and procedures on matters which significantly affect staff. Committees and task forces on campus which deal with those issues should have classified staff as members. As with all committee members, classified staff can benefit from orientation and training and from a mentor relationship with a seasoned committee member.

30. QUESTION: Should the advice and judgment of the academic senate be accorded greater weight than the advice and judgment of other groups and constituencies in connection with academic and professional matters?

Yes. Subject to Questions 25, 26, and 27, the intent of the regulations is to ensure that, while all relevant constituencies should have the opportunity to participate, boards must accord the greater weight to academic senates in academic and professional matters by consulting collegially with the senates, as described in these guidelines.

31. QUESTION: What are the responsibilities of the academic senate to obtain input from staff and students on academic and professional matters that have a significant effect on these groups?

In the creation of the structures, procedures and committees for collegial consultation (see Question 16) provisions must be included for the effective participation of students and staff on matters which affect them. Proposals which come from committees on academic and professional matters are available for review by all college constituencies and are considered in open deliberations at academic senate meetings. When such proposals are heard by the academic senate, every effort should be made to engage affected parties in the deliberations. In this manner the academic senate will have considered the input of students and staff before making

recommendations to the governing board (or its designee) on matters which affect students and staff. Of course, all parties may directly address the board as it deliberates on its ultimate decision.

32. QUESTION: What can be done to educate all members of the college community participating in the collegial processes concerning the law, regulations, best practices of decision making and the issues under discussion?

Good practices might include the following. All participants in the governance process should be provided copies of the relevant laws, regulations, and district policies and procedures. It is recommended that each standing governance committee have a handbook of such information as well as reports and minutes generated in previous years. The first annual organizational meeting of each committee should be devoted to orientation and training on the committee charge and procedures. The leadership of constituency groups might get together in a retreat format at the beginning of each academic year to review the governance process, consider priorities for the coming year, and build personal relationships.

PART VII. KEEPING PARTICIPATORY GOVERNANCE STRONG

33. QUESTION: Are effective participation and collegial consultation policies and practices subject to regular evaluation and revision as necessary by the governing board?

While there is no requirement that such policies be regularly reviewed, it is a good idea. The review process should be mutually agreed upon, and, further, the board policy should specify that recommendations for change should be by collegial consultation with the academic senate (on the board policy affecting the academic senate) and by effective participation of staff and students (on policies affecting them).

It should be possible for any of the parties to initiate the process for review of these policies. It may be the case, for example, that a change in leadership might bring new perspectives to the decision making process that might engender a desire for certain improvements. However, districts should take care that the collegial consultation process is not built on individual strengths that may be idiosyncratic to particular leaders.

34. QUESTION: How can the academic senate and other constituent groups and the local governing board engage in mutually productive dialogue?

Engaging in mutually productive dialogue is based on respect, trust and willingness to seek information. Mutually productive dialogue may take place at regular business meetings of the board, at open college and community forums and board study sessions and retreats, and by sharing written information.
Under the provisions of the Brown Act, governing board meetings are open to everyone. All constituent members have the right to address the board on items on its agenda and matters under the board's purview.

Beyond legal requirements, boards should recognize the special role that academic senates and student and staff organizations play in developing recommendations for board action. Following are some suggestions to strengthen that role. Organizational representatives may be seated prominently to facilitate discourse with the board. Reports from each organization may be regularly agendized. Items on the board agenda which were developed through significant senate, student, or staff involvement can be jointly presented by the appropriate organizational representatives. Commentary on board agenda items can be solicited from the senate, student, and staff representatives without restrictions such as filling out speaker cards and being subject to short time limitations.

In addition to regular business meetings of the board, other opportunities can be structured for mutually productive dialogue and education. Study sessions, workshops, and college and community forums often provide a more open environment for board members, key community groups, and college leaders to engage in discussion about external trends and broad policy direction and for the board to share its vision and to hear about activities in the district related to achieving the vision and mission. Sessions such as these enable constituent groups to identify and address areas of agreement and concern early in policy discussions.

PART VIII. COMPLIANCE

35. QUESTION: Do these regulations have the force of law?

Yes. If a district board does not make a good faith effort and does not ultimately abide by these regulations it would be in violation of law.

36. QUESTION: What powers do the Board of Governors have to enforce Title 5 Regulations such as the ones on ensuring the right of academic senates to assume primary responsibility for making recommendations in the areas of academic and professional matters?

Education Code §70901 mandates that the Board of Governors establish minimum conditions entitling districts to receive state aid. The Board of Governors can withhold funding from any district that does not meet established minimum conditions. One of these minimum conditions is adoption of procedures consistent with sections §§53200 - 53204 of the California Code of Regulations. Thus one of the minimum conditions that districts must substantially meet in order to receive state aid is to assure the effective participation of local academic senates as per the regulations.

37. QUESTION: What are the responsibilities of the governing board and chief executive officer to implement the regulations to ensure the effective participation of faculty, staff and students in district and college governance? What obligations does a governing board have to ensure that recommendations regarding academic and professional matters have gone through the collegial consultation process?

The board must uphold the requirements of Education Code §70902(b)(7) and Title 5 §53200-204 (academic senates), §52023.7 (students) and §51023.5 (staff). As the designee of the board, the chief executive officer is likewise bound to carry out these regulations. When considering action on an academic and professional matter, the local governing board must first ascertain that the collegial consultation process has been followed. If not, action on the item would then be delayed until such consultation has been obtained.

38. QUESTION: If the regulations are violated, will the state Chancellor's Office intervene and/or investigate the case for possible noncompliance?

Violations of Title 5 Regulations may be reported in writing by filing a written complaint with the Legal Affairs Division of the Chancellor's Office. The General Counsel will investigate credible complaints and determine needed corrective action to assure compliance with the regulations.

39. QUESTION: If a local senate or CEO and governing board feels that it has exhausted all sincere internal efforts to work cooperatively and believes the regulations continue to be ignored, what remedies can be sought?

The following steps are recommended. First, the representative group--the statewide Academic Senate or the Community College League--should be contacted for useful advice and direct support. Secondly, the local academic senate and governing board may mutually request technical assistance through the process established jointly by the Academic Senate and the League. Thirdly, if the local academic senate believes that there is clear noncompliance, it may file a complaint with the Legal Affairs Division of the Chancellor's Office. Finally, the local senate may pursue remedies with the state Attorney General or in court.

Appendices

ASSISTANCE TO ASSURE EFFECTIVE PARTICIPATION IN DISTRICT AND COLLEGE GOVERNANCE

(A Joint Program of the Academic Senate and Community College League)

The Academic Senate of the California Community Colleges and the Community College League of California have joined together to offer a program of assistance for local colleges and districts. The purpose of the program is to help districts and colleges successfully implement state law and regulations that call for effective participation by faculty, staff and students in district and college governance. The services offered will be most effective if used before major conflicts arise and prior to a heightened level of local unilateral action by any the parties involved in the local decision-making process.

The jointly-sponsored program does not replace the individual services offered by the League to trustees and chief executive officers and by the Academic Senate to local faculty. Yet it is recognized that challenges to improve local decision making processes can be aided by the mutual support of the statewide organizations. Because the services are carried out by volunteers of the League and Academic Senate, the services will not always be available on short notice and scheduled assistance should be arranged well in advance.

The program includes four distinct services that are available. Local college and district CEOs and faculty leaders who are interested in assistance should meet together to consider the services and to agree mutually on what assistance would be most beneficial. Although the program is intended to be flexible so that a mix of the four services or optional services may be available, the League and Academic Senate may not be able to help with some requests which vary too much from the four defined services or from the goal of improving the effectiveness of participation in governance.

The president of the Academic Senate and executive director of the League are available at this early stage to answer questions and to help in identifying the best approach. These two persons will reach agreement as to whether the mutual request for assistance can be carried out. No joint service will be provided unless there is a written request for assistance signed by the college president or district chancellor and local academic senate president.

This joint program is coordinated and implemented by the Executive Director of the League and President of the Academic Senate under policies established by their respective boards.

Each district or college using the service is expected to reimburse the travel expenses for the assistance team members.

The following provides a summary of the four services available within the assistance program: 1) informational presentation, 2) advisory assistance, 3) issue resolution and 4) special workshops and presentations.

INFORMATION PRESENTATION

The **informational presentation** service is intended to provide a basic overview of the state law, state regulations and guidelines concerning shared governance. The presentation is done by a representative of the League and Academic Senate and takes approximately two hours. Handouts are provided, good practices highlighted and questions answered.

This service is best used at a college or district where there are no significant issues of conflict but a recognition that many participants in local shared governance roles are new and need an orientation or refresher on the required processes.

ADVISORY ASSISTANCE

The **advisory assistance** service is intended to provide a facilitated and structured opportunity to identify possible areas of conflict or different interpretations of the law and regulations and to develop ways to resolve the differences.

The service is conducted by one to two representatives of the Academic Senate and League over four to six hours. The time includes a basic overview presentation for all interested parties and separate meetings with the faculty and with the trustees and administration.

A written advisory report is provided by the assistance team to the district or college within six weeks of the visit. The advisory report seeks to clarify the key issues identified by the team in its visit, makes recommendations for addressing the issues and suggests who might be responsible for embarking on the solutions.

ISSUE RESOLUTION

The purpose of the **issue resolution** service is to provide mediation assistance to a college or district when the parties have reached a stalemate and are unable to resolve their differences on a major issue. This service will not be provided unless the local board, chief executive officer and academic senate agree in advance and are committed and open to address seriously the recommendations of the assistance team.

Prior to the six to eight hour visit of one to two representatives from the League and Academic Senate, focused discussions and investigation occur to clearly delineate in writing the issue to be resolved and the approach to be used. During the visit there will be focused interviews with individuals and groups.

A written advisory report is provided by the assistance team within eight weeks of the visit. Prior to the formal presentation of the written report, the local parties involved will be given an opportunity to clarify, correct or refine the recommendations or statements in the report. The assistance team will return to the college or district to present the report and to answer questions publicly. In addition a follow-up training session to provide guidance on implementing the recommendations will be provided if requested.

SPECIAL WORKSHOPS AND PRESENTATIONS

The fourth service involves **special workshops and presentations** on topics that help local personnel better understand particular issues and various aspects of effective decision-making processes. These jointly presented workshops are designed under the direction of the President of the Academic Senate and the Executive Director of the League, working with local college representatives.

AB1725 Implementation
ASSISTANCE REQUEST
(Academic and Professional Concerns)

This form is intended to provide faculty and administrators in California community colleges with a way to request the initiation of a process which may assist colleges in resolving perceived problems in the implementation of AB1725 mandates. It is hoped the form will be filed jointly by the Chief Executive Officer, on behalf of the local governing board, and the local academic senate president. However, a request form submitted by one will be sufficient to initiate the process.

Name(s) _____

Title(s) _____

College _____

College Phone _____ Email Address _____

Best time to Call _____

Areas of Concern (Check appropriate area):

Shared Governance	Budget Process
Curriculum	Disciplines
Minimum Qualifications	Hiring
Equivalence	Tenure
Peer Review	Evaluation of Administrator
Administrative Retreat Rights	Other (please specify)

Request for Actions: On a separate page briefly explain the nature of the problem, how you have tried to solve it, and the individual(s) involved.

Please mail or fax this form to:

Community College League of California
2017 O Street
Sacramento, CA 95814
Fax: (916) 444-2954
Email: cclc@ix.netcom.com

or

Academic Senate for California
Community Colleges
910 K Street, Suite 300
Sacramento, CA 95814
Fax: (916) 323-9867Email: asccc@ix.netcom.com